

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
March 24, 2022**

ALSO

**PRESENT: Will Doyle, Assistant Law Director
Michael Gero, Building Official
Anne Lynch, Economic Development**

Chairman Moreal stated that at this time he would like to ask the Board if there were any corrections, changes or additions to the February 17, 2022 meeting.

Mrs. Fortlage stated that she only had one that she knew of. She stated that at the middle of the first page it shows Acting, Acting Chairperson. She stated that Debi knows about it, and she will reduce it to one Acting.

A motion was made by Pasquale Monteleone, seconded by Carol Fortlage, to approve the Minutes as amended.

**ROLL CALL: Yeas: Monteleone, Fortlage, Walchanowicz
Nays: None
Abstain: Breddt, Moreal**

Chairman Moreal then proceeded to read the Board of Zoning Appeals opening statement.

The Board of Zoning Appeals is a quasi-judicial body and, as such, its role is similar to a judge in a court case. The Board will hear evidence and testimony that is factual and will make decisions based upon the facts which are presented and the rules as set forth in the Zoning Code principles of Ohio law.

The City of Independence has adopted a Zoning Code and, per the City's Charter, has appointed a five-member Board of Zoning Appeals. This Board is empowered to hear and decide appeals and to authorize variances from the strict terms of the Zoning Code where the variance will not be contrary to the public interest and where, due to special conditions, a literal enforcement of the

Zoning Code will result in practical difficulty or undue hardship, depending on the type of variance requested.

With this being stated, the Board's proceedings are relatively informal; but, in order to conduct an orderly meeting and allow all parties of interest, mainly contiguous property owners (or their legal representatives), the opportunity to present the evidence, certain procedures need to be followed:

All interested parties must be sworn in. The applicant will be asked to present evidence to support the requested appeal, the Board will ask questions, and then all interested parties (contiguous property owners) may present evidence concerning the appeal and ask questions regarding previously presented evidence. Any party may ask questions to another party.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
March 24, 2022**

It is the applicant's burden to produce evidence to support the application. The Board will not make the applicant's case for them. In order to prepare appropriate meeting minutes, each person who speaks will need to state, for the record, his or her full name and address. The meeting may be continued by either the applicant or the Board. The Board must base their decision upon facts and not on expressions of concerns or non-factual matters. The action of the BZA does not become final until 30 days after the date of the meeting that the minutes are approved by the BZA. Any appeal may be made to the Cuyahoga County Court of Common Pleas by an interested party within 30 days of the date the minutes are approved.

6850 Linden Lane, Mike & Melissa Knezevic - Homeowner Michael Knezevic and Chris Molnar of Northeast Ohio Deck Company were both in attendance.

Chairman Moreal asked Mr. Molnar if he was going to do the speaking with regard to the variance. He asked him to explain to the Board the reason for the request.

Mr. Molnar stated that they had another similar situation that they had in the past. He stated that Mr. & Mrs. Knezevic have a house with a second-story walkout basement. He stated that the sliding door was located on the east side of the house, at the narrowest point to the rear building setback. He stated that they were requesting to extend the deck into the rear building setback but not encroaching on the stormwater easement. He stated that the west side of the house had multiple windows in the basement, including a sliding glass door that the residents were wishing not to block with excessive footer posts. He stated that the elevated deck would just be going into the rear building setback and not going into the storm or sewer easement.

Chairman Moreal stated that he saw the storm easement, and they were fine there. He stated that he didn't go in the backyard, but he drove around there, and they would be far away from everybody in that cul-de-sac. He asked Mr. Molnar if that was the only option.

Mr. Molnar stated that they spoke about different options, and the biggest concern was doing a patio in the future down the basement on the west side of the house. He stated that it didn't make sense to do a small walkway over to there to try to keep it inside the building line.

Chairman Moreal asked if anyone from the Board had any concerns or questions.

Mr. Monteleone stated that he would suggest that if they would do anything into the water easement or the sewer, just to make sure they would repair any damage.

Mr. Molnar agreed.

A motion was made by Pasquale Monteleone, seconded by Charles Bredt, to approve the request of the variance to 1165.02 to permit a deck to extend into the rear building setback.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
March 24, 2022**

**ROLL CALL: Yeas: Monteleone, Brett, Walchanowicz, Moreal, Fortlage
Nays: None
MOTION CARRIED**

6857 Linden Lane, Brett & Caroline Angevine – Lucas Brown of Lucas Brown Construction, dba Dream Decks was in attendance and sworn in.

Chairman Moreal asked Mr. Brown if he had permission to speak on behalf of the homeowners. Mr. Brown stated that he did have permission.

The Chairman asked Mr. Brown to share why the request for the variance.

Mr. Brown stated that they had a little bit of a restriction. They were only given four feet beyond the furthest wall of the house to build. He stated that the deck design they had, seeing it was a second-story walkout, to maximize the yard, they were trying to build a deck not too large, but will just fully entertain and have a serviceable purpose. So, they were asking for four more feet to encroach into that building line so they could have a staircase coming off the deck hit the landing and then turn 180 degrees to go back to the space under the deck. He stated that they just would need four feet to build a deck and make it useable for the family.

Chairman Moreal stated that he was looking at the storm sewer easement. He asked if Mr. Brown would be touching that? He stated that it was hard to see on the drawing.

Building Official Gero stated that there was a 20 foot easement in the back, and there was also a 20 foot building line, so they would encroach into the easement. He stated that the City will need to have a revocable license agreement prepared for this property.

Assistant Law Director Doyle stated that they would do it.

The Chairman asked Mr. Brown if there would be a double stairway.

Mr. Brown stated that because of the elevation, they would be about 11 feet off the ground. He stated that they were trying to break up the long run of stairs.

The Chairman asked if they would go down and have a landing and turn the other way.

Mr. Brown replied that was correct.

Mr. Monteleone asked Building Official Gero to remind him what the revocable license was.

Building Official Gero stated that the easements back there were granted to the City and the HOA for stormwater purposes, whether it would be a pipe or drainage or whatever it might be.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
March 24, 2022**

He stated that the revocable license, what that would do would be an acknowledgement that would get recorded with the property so that any future homeowners would also be aware that the deck would encroach the easement, and should there ever need to be work done in that easement by the City or by the HOA, the deck would need to be removed or replaced totally at the homeowner's expense.

Mr. Monteleone stated that he understood.

Chairman Moreal asked Mr. Brown if the homeowners were aware of that.

Mr. Brown stated that he thought they were on the Zoom meeting but were just having an issue with audio. He stated that he thought they would be willing to understand that. He stated that with the amount of slope that was in that yard, he didn't see if there would ever be a future issue, but he believes they would understand the responsibility that they bear.

Assistant Law Director Doyle stated that so it was clear, they would obviously see the instrument because they would have to execute it. He stated that they would see it before agreeing to anything.

Chairman Moreal asked if anyone on the Board had anything else. There were no other comments.

A motion was made by Carol Fortlage, seconded by Councilperson Walchanowicz, to approve the variance to 1165.02 to permit a deck to extend into the rear building setback.

**ROLL CALL: Yeas: Fortlage, Walchanowicz, Moreal, Monteleone, Bredt
 Nays: None
 MOTION CARRIED**

6618 Bexley Court, Nathaniel Czeck – Homeowner Nathaniel Czeck was in attendance and sworn in.

Chairman Moreal asked if there were any neighbors present. The Secretary replied that there were no neighbors present.

Chairman Moreal stated that he knows the variance was worded this way, but the fence was not in the front yard, but it was in Mr. Czeck's backyard; but it was a corner lot so it would be infringing on the neighbor's front, it would be past the front setback of the house.

Building Official Gero stated that since they were on a corner lot, the fence will go past the front building line of the adjoining property. That building line he believed was at 60 feet; so it would be approximately 25 feet or so in front of the neighbor's front of their house. That would be the

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
March 24, 2022**

extending encroachment. He stated that the proposed fence would be 35 feet off of the right-of-way according to the documents that were provided.

Chairman Moreal asked Mr. Czeck to explain to the Board why he would need the variance.

Mr. Czeck stated that they were putting a pool in their backyard. He stated that they built the house specifically because their daughter was handicapped so they needed a one-story ranch, and the pool would be what they would use for her therapy. He stated that they wanted to keep the backyard fenced in bigger than the square footage of the pool just so she would have more area to operate. He stated that they wanted to put a swing set and a playhouse enclosed in their backyard to keep her. She is not mobile, so it would keep her protected and keep her in the yard. He stated that his neighbors south of them have dogs, and so do they; but they do not keep good track of their dogs, and they have been in their yard multiple times and have attempted to come into their house. He stated that it was their attempt to help protect their daughter as well since she was not mobile, so she wouldn't be able to run away or doing anything like that. He stated that it would not go past their setback of the house.

Chairman Moreal stated that he understood Mr. Czeck's reasoning, and plus he would need to put up a fence for the pool.

Mr. Czeck stated that they just wanted to have a bigger footprint around the pool so they could have some other space.

Chairman Moreal stated that Mr. Czeck would not fall into the 35 foot setback as he was at 36 feet. He asked Mr. Czeck if that was what he was seeing.

Mr. Czeck stated he believed so. He stated that they would not be going any further than the garage. He stated that it would be parallel with that.

Chairman Moreal asked if Mr. Czeck was bringing it to the garage, what would that do for him. He stated that there would only be 3 feet from the garage to the front of their house.

Mr. Czeck stated that what would be parallel with the road, the fence was see-through, so they would put some landscaping there. He stated that they would want the gate to be on that little part that would extend out so it would not be facing the road, and they would not have to cover it up with landscaping. It would kind of give them privacy since they were not doing a solid fence. He stated that they wanted to have an area for a gate on each side of the property, one on the east and west side so they could mow and stuff and get in and out.

Mr. Bredt asked if the gate would be facing their house as opposed to the street.

Mr. Czeck agreed.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
March 24, 2022**

Mr. Bredt stated that he would move approval as presented with one contingency, and the contingency would be that the fence that would get put up would be as proposed.

The Chairman asked Mrs. Fortlage if she was going to say something.

Mrs. Fortlage stated it was about the design of the fence. She stated that if anything was going to encroach, it would seem to her that the black rails would be the most unobtrusive of the choices for fencing. She stated that she didn't have a problem with the request.

A motion was made by Charles Bredt, seconded by Pasquale Monteleone, to approve the variance to 1363.01 to permit a fence to extend past the front building line provided that the fence that was proposed was the one that was installed.

**ROLL CALL: Yeas: Bredt, Monteleone, Walchanowicz, Fortlage, Moreal
 Nays: None
 MOTION CARRIED**

6200 Archwood Road, John McGreevy – Homeowner John McGreevy was in attendance and sworn in.

Chairman Moreal asked if there were any neighbors present. There were no neighbors present.

The Chairman asked Mr. McGreevy to explain to the Board why he would need the variance request.

Mr. McGreevy stated that the main reason was that they liked the look of the stainless steel better than the chimney on the front of the house. He stated that there were other concerns about building a frame around that and just being able to maintain that and having to cut into the shingles and re-flash everything. He stated that other than that, that was really why they were looking for the variance. He stated that they thought it looked fine. He stated he had pasted a fake brick enclosure around there, and they were okay with the stainless steel. He stated that they haven't heard any complaints from any neighbors about the way it looked.

Chairman Moreal stated that he was looking at Mr. McGreevy's permit, and it did state there. He stated that obviously going in Mr. McGreevy knew he had to have a chimney enclosure, but he went ahead and now he was coming before the Board for forgiveness.

Mr. McGreevy stated that they did, and moving forward in order to get it installed, they had to have that on there with the permit, and now he was looking for the variance. He stated that hopefully they could re-issue the permit without that requirement.

Mrs. Fortlage asked Mr. McGreevy how long had the pipe been there.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
March 24, 2022**

Mr. McGreevy stated that they had that put in at the end of January. He stated that he couldn't remember the exact date.

Chairman Moreal asked if he was to assume that Mr. McGreevy's stove was right below that. He asked if that was the reason it was so far in the front of the house.

Mr. McGreevy stated it was right in the corner there. That was the living area, and the backside of the house has the kitchen and bedrooms. He stated that was the only place they could actually put the stove in that room.

The Chairman stated that he understood looking to put a masonry chimney now would be a project, but there was, actually up the street from Mr. McGreevy, at 6106 Archwood.

Mr. McGreevy stated that he looked at it, and he knew what house the Chairman was talking about.

Chairman Moreal stated that it was a lightweight veneer. He stated that it had a good appeal to it. He stated that they wouldn't have to build like a masonry fireplace, it was a wrap. He asked the Building Official if those were okay.

Building Official Gero stated that would be accepted. He stated that the applicant actually proposed that to him when he was first advised that he needed to have a masonry enclosure around the chimney, and that a stainless steel chimney was not permitted by code. He stated that Mr. McGreevy actually proposed one, and that was why the permit was issued because that was the plan originally.

Mr. Monteleone stated that he had a problem because the permit did state that it must have a chimney enclosure. He stated that if they knew that going into this project.

Mr. McGreevy stated that there was a time sensitive issue going on there. He stated that in order to meet the date of the installation and when the next review board meeting was, it didn't make sense for them to wait until two months after the fact. He stated that then they couldn't even use the stove.

Chairman Moreal asked if Mr. McGreevy knew a month before.

Mr. McGreevy stated that the installer, he didn't find that out until a few days before they were supposed to install when he was told that they didn't have the permit. He stated that the installer came back and told him that there was the code involved. He stated that he didn't know it until then.

Chairman Moreal asked Mr. McGreevy if that was really stainless or was it sheet metal.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
March 24, 2022**

Mr. McGreevy stated that it was stainless.

The Chairman stated that it wouldn't rust.

Mr. McGreevy stated that it was \$100 a foot.

Mr. Bredt asked if it was a woodburning stove or was it gas?

Mr. McGreevy stated that it was a high efficiency woodburning stove.

Chairman Moreal stated that the sheet metal ones tend to look, they don't look good after a lot of years, and they rust.

Mr. McGreevy stated it was stainless.

Mrs. Fortlage stated that it strikes her that the code exists for a reason, and that while it hardly would matter, but the awareness was present before it was installed, and she stated that she cannot see her way clear to approving the variance.

Mr. McGreevy asked if Mrs. Fortlage knew what was the reason for the code.

Mrs. Fortlage stated that she did not, but building codes were there for a reason.

The Chairman stated he would guess that aesthetics in the front yard would be one. He stated to the Building Official if the pipe was behind the peak in the back, how would that get treated.

Building Official Gero stated that there was no differential between the front or the back of the house.

Chairman Moreal replied okay.

Mr. McGreevy stated that if it was just for aesthetics.

The Chairman stated that Mr. McGreevy asked the reasoning, and he didn't know.

Mr. Monteleone stated that if it was for aesthetics, and that is what they want for their city, then that would be what they would want to follow.

Chairman Moreal stated that it could not be to maintain the heat or anything because a veneer would not be as good as a brick chimney. He stated that he was guessing that it was aesthetics.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
March 24, 2022**

The Chairman asked the Building Official if there was a veneer like up the street, how far would it have to go? He stated that they wouldn't veneer the whole thing, something would stick out of the top.

Building Official Gero stated that the flue which would be the top portion, the masonry flue would stick out about 8 to 10 inches out of the top. So, there would be something sticking out of the top part of it, but it would look similar to the rear as far as the brick enclosure, the squareness and the brick facing. Then you would have the cap. It would be no different than when an HVAC contractor would change a furnace, and the furnace goes out to the flue, they would have to put a chimney liner in. You would see the little metal caps sticking out of the tops of the chimneys all around town.

Chairman Moreal asked if they did the veneers with siding to match the siding, and they would box it in and wrap it in siding? Would that be allowed, or does it have to be a brick design?

Building Official Gero stated that the product that he was presented with regard to this situation was a wrap more or less. He stated he would summarize it as four sheets that would be put together as opposed to boxing it in and then putting a lick and stick on it.

Mr. Monteleone asked if the Building Official felt that the chimney was too high? He stated that there was probably a spark arrest or a flame arrest for the City code.

Councilperson Walchanowicz stated that they have to be a certain foot above the roof to catch the draft.

Building Official Gero stated that the chimney would have to be two feet above the roof at 10 feet away.

Mr. Monteleone stated that would explain why it was so tall.

Chairman Moreal stated that if the fireplace was further set back, it wouldn't look like that.

Building Official Gero stated that it wouldn't be that extended.

Mr. Monteleone stated that would make sense because he has never seen them that high.

Mrs. Fortlage stated that if the Board would take themselves back to the reasons for granting a variance, there would be no match that she could see between this request and any of the reasons that make sense for granting a variance. She stated that the eye of the beholder was not one of those, and she does understand that the homeowner prefers this look; but it would not be according to code, and that was the only reason for the request was that they would prefer it.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
March 24, 2022**

Mr. Bredt stated that this was being done after the fact when it was clearly identified in the permit process, and as a result, he cannot support it.

Mr. McGreevy stated that he just wanted to say that he was given the option that he could come and ask for a variance after the fact. He stated that weighed in on it too. He stated that it wasn't like don't install it, go for the variance first, and then install it. He stated that he was told that once it was installed, he could actually request a variance. He stated that was his understanding going in.

Mrs. Fortlage stated that he may have been able to request it, but the Board would not be obliged to approve it.

A motion was made by Pasquale Monteleone, seconded by Chairman Moreal, to approve the variance to 1331.06(a) to permit a stainless steel vent in lieu of a masonry chimney on the roof of the existing home for a wood stove.

**ROLL CALL: Yeas: None
 Nays: Monteleone, Moreal, Fortlage, Bredt, Walchanowicz
 MOTION DENIED**

6050 Oak Tree Blvd., MAI Capital – Bob Kunzen of Brilliant Electric Sign and Diana Lis were both in attendance and sworn in.

Mr. Bredt stated that he had a question as far as the timing of the application before the Board would get into the nitty gritty. He stated that if the sign was taking the place of the old CBIZ sign which would appear to him, and if CBIZ would leave the sign up until they vacate or move, or would the new sign go up.

Chairman Moreal stated that he thought that Mr. Kunzen will address that. He stated that he thought they already moved out.

Mr. Kunzen stated that he could describe the sign. He stated that the location was where the CBIZ sign was. He stated that it would be an internally illuminated channel letter sign. It will be mounted on rails, only the faces light. He stated that it would be approximately the same sign as the CBIZ sign which Diana will confirm, but he believes that it has been removed.

Ms. Lis stated that the sign has not been removed.

Chairman Moreal stated that he was there last night. He stated to Mr. Bredt's question, CBIZ has moved out, so if they get the variance, as soon as the other sign comes down this sign will go up. It won't be months down the road until they build a new facility. They were already moved out. That was what the Chairman understood.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
March 24, 2022**

Ms. Lis stated that they were in temporary space right now.

Mr. Bredt asked when the work was done would they repair everything that would be existing when the CBIZ sign would come down?

Mr. Kunzen stated that any penetrations will be filled. There will be no voids in the exterior of the building.

Mr. Bredt asked with matching materials as opposed to just gray mortar?

Mr. Kunzen stated that they use caulk that would match mortar or any other materials.

Mrs. Fortlage stated that the request was three and a half times the allowed amount. She stated that was really big compared to what would be allowed. She would have to think it could be visible at a smaller size. She stated that she was asking.

Chairman Moreal stated that he understood what Mrs. Fortlage was saying. He stated that he didn't want to say it was the same as a lot of the signs because they were all unique, but 30 square feet on a building of this size that high up definitely in his opinion would not be enough. He asked what the dimension of the sign would be.

Mr. Kunzen stated that the logo on the left was 5 foot, and the overall length would be 21 feet.

Mr. Bredt asked if the 5' x 5' checkerboard part of the stationary and advertising for the company?

Ms. Lis stated that was their logo.

Mr. Bredt asked if the logo would be repeated as part of their internal documents, materials, invoices, advertising elsewhere?

Ms. Lis stated that she believed so.

Chairman Moreal asked if that was the same size as the CBIZ sign.

Mr. Kunzen stated it would be in the same location.

Building Official Gero stated that he did some research on the signs on all those buildings there. He stated that it was approximately the same size as the CBIZ sign. He stated that the imaging that they have that was currently on the screen was actually projecting it a little larger than what it actually was on the building.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
March 24, 2022**

He stated that the New York Life sign was the same size as this one. He stated that actually it was larger than this one, and the other sign for Travelers Insurance was larger than this one.

Mrs. Fortlage stated that this one appeared to be leaping off the building, but he was saying the perception given in this.

Building Official Gero stated it was not a precise, accurate dimensional rendering.

Chairman Moreal stated that he looked at the CBIZ sign, and he thought it looked fine. He stated that if the Building Official was telling him it was pretty much the same size, but he does see what everyone was looking at. It did look like it was oversized for the picture.

Mr. Bredt stated that he appreciated the clarification that the Building Official gave, and looking at the presentation, he would move approval.

A motion was made by Charles Bredt, seconded by Pasquale Monteleone, to approve the variance to 1151.13€ of 75 sq. ft. to permit a wall sign to be 105 sq. ft. in size.

**ROLL CALL: Yeas: Bredt, Monteleone, Fortlage, Walchanowicz, Moreal
 Nays: None
 MOTION CARRIED**

5300 Rockside Road, Ramada Hotel – Bob Kunzen of Brilliant Electric Sign was in attendance and sworn in.

Chairman Moreal asked Mr. Kunzen who he was representing on this one. He asked if the Ramada was a franchise he was guessing.

Mr. Kunzen stated that they were representing the owner of the hotel.

Chairman Moreal asked Mr. Kunzen to explain the need for a variance.

Mr. Kunzen stated that it was on the same wall as the prior hotel's name was. He stated that as the Board could see, it would be fitting to what was there before. He stated that if it was smaller than that it would look miniscule. He stated that was why he included the previous Crowne Plaza sign on there, a photo of that.

Chairman Moreal asked if they would be taking up the same amount of room, plus or minus.

Mr. Kunzen stated that he was going by eye, but if it were one shape, he would think the Crowne Plaze was probably more square feet.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
March 24, 2022**

The Chairman stated that it was a little higher too. He stated that this one would go back to Mr. Bredt's question on the previous. He asked what was the material? Was it a stucco material on that wall? He stated that he didn't look that close.

Mr. Kunzen stated that he believed it was dryvit. He stated that it was like a stucco.

The Chairman stated that he would guess when they take that sign down, it would look pretty rough behind there. So, there would be a little bit more than caulking. There might be some kind of painting. He stated that the building was older so he guesses they would see a lot of wear when the sign comes down.

Mr. Kunzen stated that would be to the property owner to do that, and that would be something he could certainly pass along to him between removal and installation.

Chairman Moreal stated that he personally would think it would have to happen prior to the new sign going up. He thinks the way to do it would be to do any repair before the new sign would go up.

Mr. Kunzen stated that he thinks they were in agreeance.

Mr. Bredt stated that he had a question for the Building Official. He asked if it would be one sign or two independently applied signs?

Building Official Gero stated that according to what was presented there, it would look like it would be two separate signs. The Ramada is one, and then the by Wyndham would be the other one.

Mr. Bredt stated that they would actually have a second variance request then.

Building Official Gero stated that not if they would be all boxed into one size. It would be the one size, one sign, the smallest rectangle or square that would fit all the components of the sign. He was treating it as one sign because it's a Ramada by Wyndham. So, the total square footage would be encompassing all the material there, 18'9" by 6'3 1/2".

Chairman Moreal asked if it was the space between there.

Building Official Gero stated that it would encompass the white space around the letters and everything. It would be the smallest rectangle.

Mr. Kunzen asked so even at the bottom, the left and right ends, the dead space would be included in the requested square feet.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
March 24, 2022**

Building Official Gero agreed.

Mr. Monteleone stated that he noticed when he was there looking at the site, there was a lot more potential signs that would need to be put back up or removed.

Building Official Gero stated that at this time, this would be the only sign that has made it through the approval process as far as the Building Department goes. He stated that there were other signs that Mr. Kunzen has not gotten the approvals for to move forward on yet.

Mr. Monteleone stated that there would be a lot of signage there.

Chairman Moreal stated that there would be signs on the side of the building, the highway, he was sure.

Building Official Gero stated that there was a pole sign in the rear, in the south lot of the building that he believes Mr. Kunzen was working on, and there was a sign in the area on the access road. He stated that there was a larger sign out at the street that was not on their property. He stated that there would be something else that would need to be done with that one. He stated that it would not be through Ramada.

Mr. Bredt asked if the Building Official was satisfied with the condition of the wall that the sign would go on, both above, behind and below? He asked if the wall should be repaired prior to the sign going up?

Building Official Gero stated that the old sign would need to come off, and the wall repaired once the sign would be off. He stated that the new sign would be put up on top of that.

Councilperson Walchanowicz asked Building Official Gero if there was any way that the Board could get proof of that wall being fixed prior to the Board approving that sign.

Building Official Gero stated that the Board could make that the condition. He stated that what the Board would do is table the matter, tell them to repair the wall and then come back. He asked the Assistant Law Director if there would be a legal challenge to that or not.

Assistant Law Director Doyle stated that it was not that he could think of. He stated that there would be a number of ways that the Board could probably approach it, whether it would be a conditional approval or tabling the matter to allow the repairs to be addressed. He stated that in some ways it would be up to the applicant, and he doesn't know if one would be necessarily better than the other.

Mrs. Fortlage stated that it seems to her that a condition that if it would be repaired to the satisfaction of the Building Official to proceed on that condition.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
March 24, 2022**

Chairman Moreal stated that would make sense. He asked the Building Official if they would get the variance, would the Building Official inspect anything before they move forward? He asked if there was any kind of policing.

Building Official Gero stated not typically because they don't typically have this type of situation where they would have this kind of conditions that they would be working with, but that could definitely be a contingency. He stated that Board could grant the variance, and he won't issue the permit until the old sign was down, the wall was repaired, and they would be issued a permit that they could install the new one.

Chairman Moreal stated that would sound perfect.

Mr. Monteleone stated that is what he would like to do.

Mr. Kunzen stated that was what he was thinking. He stated that the variance was only about the size, but the condition would be before issuance of the permit.

Building Official Gero agreed. He stated that the old sign would be removed, the wall completely repaired before the permit would be issued.

Mr. Kunzen stated that would be per the Building Department.

Mrs. Fortlage stated that she would be willing to make the motion if the Assistant Law Director would state the words.

A motion was made by Carol Fortlage, seconded by Pasquale Monteleone, to approve the variance of 43 sq. ft. to permit a wall sign to be 118 sq. ft. in size, where 75 sq. ft. would be permitted, subject to the condition that the existing sign be removed, and where the sign was located would be repaired to the satisfaction of the Building Department and prior to the issuance of a permit from that department.

**ROLL CALL: Yeas: Fortlage, Monteleone, Moreal
 Nays: Bredt, Walchanowicz
 MOTION CARRIED**

8423 Stone Road, Thomas Dedo – Homeowner Thomas Dedo was in attendance and sworn in.

Chairman Moreal stated that there was a typo, and the required garage size should be 24' x 36' required.

The Chairman asked if there were any neighbors present. There were no neighbors in attendance.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
March 24, 2022**

He asked Mr. Dedo to explain to the Board the need for the variances.

Mr. Dedo stated that the old garage was in pretty bad shape. He stated that he got some estimates to repair it, and it was not worth it. He stated that elected to go with a little bit bigger pole barn. He stated that the neighbor built his new garage, and he and his wife have no problem with it. He stated that he will sign anything for him. He stated that he wasn't available this evening.

Mr. Dedo stated that the old shed was removed. It was in the back. He stated that it was actually a two-seat outhouse that was removed 12 years ago. He stated that he was retiring in May or June, and he would like to pull his cars inside and work on them and have some room and be able to do what he used to do.

Chairman Moreal stated that he was looking at Mr. Dedo's request, and it stated 28' x 40'.

Mr. Dedo stated that they put it down to 26', and it would be easier to get it through. He stated that he really liked the 28'.

The Chairman stated that he just saw that now. He stated that 28' would give Mr. Dedo, he would meet the side yard, but that would be 6'. He asked Mr. Dedo if it would be 6' on each side or 7' and 5'.

Mr. Dedo stated that if the Board would allow the 28', he would get the 6' on each side. He stated that if not, he would go to 24' and get the 7'. He stated that whatever he would need to do.

Chairman Moreal asked if there were any questions from the Board about the size. He stated that there were options, 26' x 40' or 24' x 40'. He would not need any side yard variances. He would be 7' and 5'.

Mr. Dedo stated that he would like 6' on each side to keep it even. He stated that he didn't want to test the contractor.

Mrs. Fortlage asked for an explanation of the 7' and 5' and the 6'.

Mr. Dedo stated that it was the side yard setback on the property. He stated that he wanted it centered on the property, and if he was allowed the 28', then he would have 12', and he could split it 5' and 7' and cover the existing old garage. He stated that if he would even it up 6' on each side, then he would have to shift over a foot.

Building Official Gero stated that Mr. Dedo would need to maintain a minimum of 6' on each side.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
March 24, 2022**

Mr. Dedo stated then that would be what it is.

Chairman Moreal stated that on Mr. Dedo's drawing he had 26' x 40', so that is what he questioned.

Mrs. Fortlage stated that she understood that. She stated it was when he was going 6' and 5' and 7'. She stated that she was with it now.

Mr. Dedo stated that he could only have 36', and the 40' would be a standard kit and would save some money from them, and it would give him a little extra room. He stated that he has the backyard. There was nobody there.

Chairman Moreal stated that he didn't have any issue with the length, he was just more concerned with the width. He stated that Mr. Dedo has a big yard, the yard was deep, but the yard is only 40' wide. He stated it would be height.

The Chairman wanted to address the height. He asked if it was part of the kit or what would the deal be.

Mr. Dedo stated that he wanted to make sure that if it would come to fruition, he could put a little lift in there. He stated that he was a dreamer. He stated that he could live with 10' if he has to, but then the cost of his special four-post lift would double. He stated that if he could 11' or 12', he could get the two-post lift, and it would be easier to get under the car and work and do stuff then.

Mrs. Fortlage asked why were they speaking of 10', 11' and 12' when the request was 16' versus 15' on the height?

Mr. Dedo stated that was total. He stated that the inside height. He stated that he was not concerned with the roof and the peak, it was the inside square box.

Mr. Bredt stated that normally he would be very reluctant to approve this application, but given the physical location where it was located, the terrain changes, the complete application, he would move approval.

Mr. Monteleone asked Mr. Dedo if the depicted color was the one he was choosing.

Mr. Dedo stated it would be a very light beige to match.

**MINUTES OF A REGULAR MEETING OF THE BOARD OF ZONING APPEALS
CITY OF INDEPENDENCE, OHIO
March 24, 2022**

A motion was made by Charles Bredt, seconded by Pasquale Monteleone to approve the variance to 1143.02(b)(1)(A) of 1'2" to permit the height of a garage to be in excess of 15', and a variance to 1143.02(b)(1)(B) to permit a garage to be 28' x 40'.

**ROLL CALL: Yeas: Bredt, Monteleone, Walchanowicz, Fortlage, Moreal
 Nays: None
 MOTION CARRIED**

Chairman Moreal asked for a motion to adjourn.

A motion was made by Charles Bredt, seconded by Councilperson Walchanowicz, to adjourn the March 24, 2022 Board of Zoning Appeals meeting. Voice Vote: 5 yes/0 no; motion carried.

There being no further business, the March 24, 2022 meeting of the Board of Zoning Appeals was adjourned at 6:28 p.m.

Chairman Mark Moreal

Debi Beal, Secretary

Minutes Unapproved at Time of Release 03/28/22